

Bay Area Dischargers Association

P.O. Box 24055, MS 702
Oakland, California 94623

September 10, 1999

Mr. Todd Thompson
Associate Water Resources Control Board Engineer
State Water Resources Control Board
Division of Water Quality
901 P Street
Sacramento, California 95814

Dear Mr. Thompson:

RE: Comments on the Draft Statewide General Waste Discharge Requirements and the Draft Environmental Impact Report

The Bay Area Dischargers Association (BADA) is an association of Bay Area Publicly Owned Treatment Works (POTW) formed to represent the interests of its 32 member agencies. Its five principal members include: the Central Contra Costa Sanitary District, the East Bay Municipal Utility District, The City and County of San Francisco, the City of San Jose, and the East Bay Dischargers Authority.

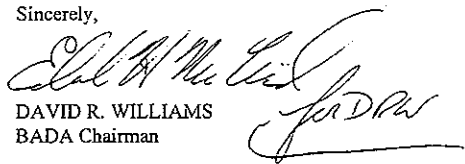
BADA appreciates the opportunity to submit comments on this important statewide issue. BADA strongly supports the efforts of the State Water Resources Control Board (SWRCB) to prepare and adopt a General Order (GO) for Waste Discharge Requirements for biosolids land application. BADA members have already contributed \$175,500 to this effort. BADA has prepared specific comments on both the draft GO, and the Draft Environmental Impact Report, and these can be found in our attached Appendix A.

In general, however, BADA members are concerned about the inclusion of Exemptional Quality (EQ) Biosolids in the GO. EQ biosolids should be treated as any other organic soil amendment or fertilizer. BADA members are also concerned about how issues such as biosolids metals limits in the GO are not with US EPA's 503's, and dust restrictions are not consistent with normal farming conditions.

Mr. Todd Thompson
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Page 2

We again appreciate this opportunity to provide comments to you on this very important issue. If you have any questions regarding this letter, please contact Donald Gabb, BADA Biosolids Committee Chairman at (510) 287-1602.

Sincerely,


DAVID R. WILLIAMS
BADA Chairman

DRW:DMG:dmg
Attachment

WADEIR.DOC

46-1

46-2



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Note to Mr. Thompson Date 9/13/
Enclosed is a copy of the 9/10/99 letter
re. Comments on the Draft Waste Discharge
Requirements and the DEIR. We realize
that the attachment was not enclosed as
have attached a copy to the letter. We
apologize for this oversight.

Due date _____

From Donald Gabb

X 003-1295

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Page 2

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APPENDIX A

General Comments on the SWRCB General Order

Page 14, Item 12. table:

Ceiling concentration (mg/kg dry weight) levels are such that the Copper ceiling is 2,500 mg/kg and the lead ceiling is 350 mg/kg. BADA recommends adjusting the copper and lead ceiling rates to the scientifically based limits set forth within 40 CFR 503. Copper should then be 4,300 mg/kg and lead 840 mg/kg on a dry-weight basis.

46-3

Page 15, Item A. 14.:

"Any visible airborne particulates leaving the application site during biosolids applications or during incorporation at the permitted site is prohibited."

Such a requirement is an unreasonable burden on sites using biosolids as a part of the normal farming practices. Dust migration off-site is normal in any farming practice. The act of land applying biosolids and tilling fields creates dust that may migrate off site. No such requirement is placed upon sites using other nutrient sources, such as manures. Biosolids particulates are extremely unlikely to leave the site with normal dust generated during agricultural practices due to the moisture content in biosolids (typically between 70% to 80% water when applied and tilled shortly thereafter). The SWRCB's mission "to preserve and enhance the quality of California's water resources and ensure their proper allocation and efficient use for the benefit of present and future generations" is not furthered by this requirement. Nuisance laws and Air Pollution Control District rules provide adequate regulation.

46-4

Page 16, Item 7. b. (1)(c):

Animals are not grazed for at least 30 days after application. Based upon the mitigation measures 4-2 and 5-2, this time frame will be changed to 90 days with some conditions for 60 days if temperature requirements are met. Provide the scientific basis for changing the grazing times. Comments in Chapter 4 and 5 support the risk assessment provided in 40 CFR 503 that indicates little potential for pathogens to be transmitted to animals if grazed on sites applied with biosolids.

46-5

BADA's Comments on the June 28, 1999 Draft Environmental Impact Report Covering the General Waste Discharge Requirements for Biosolids Land Application

Table ES-I, page 2 Mitigation Measure: 4-2 Extended grazing restriction period to allow for SOC biodegradation & Table ES-I, page 3 Mitigation Measure 5-2: Extended grazing restriction period to allow for pathogen reduction:

BADA recommends eliminating these mitigation measures. The potential for pathogens to survive diminishes over time with exposure to the harsh soil environment and sunlight. SOC's at minute levels found in biosolids have not been found to adversely impact grazing animals. The EPA conducted extensive research in developing 40 CFR Part 503, including a risk assessment based on 14 different pathways, and determined that 30 days after biosolids application is a safe and protective time period until grazing and livestock activity may resume. (See DEIR comments for pages 4-12 & 5-29)

46-6

Table ES-I, page 5 Mitigation Measure 10-2: Control fugitive dust from unpaved roads:

BADA recommends mitigating fugitive dust from unpaved roads with a mandatory speed limit of 15 mph. Most farms receiving biosolids throughout the state are in rural areas with few sensitive PM10 and PM2.5 receptors. Also, because of the rural sites, the roads are typically not paved, imposing a limit on truck travel miles per day is not feasible for many sites. (See DEIR comments Pages 10-7 & 10-8)

46-7

Page 2-10, Applicability, 3rd paragraph:

A permitted site under a single NOI cannot be more than 2,000 acres and the sites must be within a 20-mile radius.

Clarify the basis for limiting the acreage to 2,000 for a single site. Some landowners may have a site larger than 2,000 acres. Explain how this would affect existing sites with site specific WDRs that may be impacted by California Water Code section 13274. Clarify how the site would be divided and what guidelines the landowner would use to determine and develop an NOI for the sites larger than 2,000 acres but in the same location.

46-8

Page 2-12, Relationship of the GO to Part 503 Regulations, 3rd paragraph:
Explain the scientific basis for regulating ten metals when the USEPA only regulates nine metals under 40 CFR 503. Since Chromium is being proposed to be regulated, please provide the explicit scientific basis for the limit as set forth in the GO.

46-9

Table 2-4:

Delete Chromium from the table. Chromium is not regulated under 40 CFR 503 regulations. Since Chromium is being proposed to be regulated, please provide the explicit scientific basis for the limit as set forth in the GO.

46-10

Table 2-5:

The Associations suggest removing the Molybdenum cumulative loading limits, in accordance with the 40 CFR 503. The limits for Molybdenum were removed from 40 CFR 503 in February 1994 pending EPA consideration. If Molybdenum is proposed to be regulated, please provide the explicit scientific basis for including the cumulative limit for Molybdenum as set forth in the GO.

46-11

Responses to Comments from Bay Area Dischargers Association

- 46-1. See Responses to Comments 16-15 and 23-37.
- 46-2. See Master Response 4 and Responses to Comments 16-28, 23-5, and 23-20.
- 46-3. See Master Response 4.
- 46-4. See Master Response 9 and Responses to Comments 16-28, 23-5 and 23-20.
- 46-5. See Master Responses 7 and 8.
- 46-6. See Master Responses 7 and 8.
- 46-7. See Master Response 5.
- 46-8. See Master Response 10.
- 46-9. See Master Response 4.
- 46-10. See Master Response 4.
- 46-11. See Master Response 4.